THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.5646 of 2007

Date: 22.03.2007

Between:

Smt. Palla Paidamma

....Petitioner

and

The State of A.P. represented by its Secretary,
Revenue Department and another

....Respondents

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.5646 of 2007

O R D E R:

The petitioner states that she purchased land in Survey No. 169/3 in an extent of 313 sq. yards situated at Adavivaram village, Visakhapatnam District. It is stated that she intended to sell the said land and in that process, approached the 2nd respondent to register the same in favour of the intending purchaser. The grievance of the petitioner is that the 2nd respondent is not accepting any document for registration, on the ground that the Government issued a notification under Section 22-A of the Registration Act, 1908 (for short 'the Act'), in respect of the lands in the said survey number. This writ petition is filed seeking appropriate directions to the respondents in this regard.

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue.

Section 22-A of the Act empowered the Government to issue notifications almost preventing the registration of documents in respect of the lands to be mentioned therein. Such a power was held to be *ultra vires* and the provision was struck down by the Hon'ble Supreme Court in ***State of Rajasthan v. Basanth Nahata***[1].

Once the sole basis for the 2nd respondent to refuse registration had disappeared, he is under obligation to receive the documents and consider the same in accordance with the provisions of the Stamp Act and the Registration Act.

Hence, the writ petition is disposed of, directing the 2nd respondent to receive and process the document presented by the petitioner and take necessary steps in accordance with the provisions of the Stamp Act and the Registration Act, within one week from the date of receipt of a copy of this order. There shall be no order as to costs.

L.NARASIMHA REDDY, J

22nd March, 2007.
Note: CC in three days.
Bo cvm

[1] AIR 2005 SC 3401 = (2005) 12 SCC 77